THE HONOURABLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE

R.SUBHASH REDDY

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WRIT PETITION Nos. 14443, 12557, 11293, 11092, 14381, 14386, 11115, 13138, 13139, and 14940 of 2005.

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W.P.No. 14443 of 2005 & batch

C.Obulaiah S/o Subbaiah, 42 years,

R/o Jngalapally, Siddavatam Mandal,

Kadapa District and others. -- Petitioners.

And

The Regiional Joint Director of Intermediate

Education, Kadapa Region, Kadapa District

and others. --Respondents.

ORAL COMMON ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justce)

We have heard learned counsel for parties.

In this batch of writ petitions, three orders are the bone of contention, one being order dated: 30.4.2005, another being Memo No.4295/B1/2004, dated: 7.5.2005 and the third order being dated: 27.5.2005. Prima facie, we feel that the proceedings dated 27.5.2005 is a show cause notice as to why the colleges/courses be not closed. But, this order is passed after passing the orders dated: 30.4.2005 and 7.5.2005. Both of them in effect are the orders of closure. So show cause notices have been given after the orders were passed to close the institution/courses. Even in the show-cause notice dated: 27.5.2005, it has been mentioned that the

Government has decided to close down such colleges. Therefore, it appears that the orders were passed without giving chance to the petitioners of being heard. It is a clear violation of the rules of Natural Justice and the orders dated: 30.4.2005 and 7.5.2005 are liable to be quashed. It is stated that final orders were also passed pursuant to the show cause notice dated: 27.5.2005.

Since sufficient time had not been given as only three days' time was granted to the petitioner-managements and the writ petitions were pending before this Court, therefore, we quash the final orders and the orders dated: 30.4.2005 and 7.5.2005.

The managements may file their reply to the notice before the concerned authority within a period of two weeks from today. The concerned authority shall take decision after hearing the management and other interested parties and pass appropriate orders in accordance with law. In the meantime, if any teachers have left the private institutions and joined the Government institutions, they shall continue to be there till the matter is finally disposed of by the Commissioner of Intermediate Education.

One of the writ petitions is filed by the parents of the students who complained that their children are neither here nor there. Therefore, the Commissioner may hear them also before passing final orders.

With these observations, all these writ petitions are disposed of. No costs.

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BILAL NAZKI, ACJ

12.9.2005

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R.SUBHASH REDDY, J.

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Note:

Issue cc in two days.

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